

The 18th session of the Assembly of States Parties
Intervention by Japan at the Plenary Session on Review of the Court
4 December 2019

Thank you Mr. President,

It is very opportune and important to review the work of the Court. There are a number of important matters, such as (1) securing highly qualified judges, Prosecutors and staff members, (2) avoiding prolonged prosecutorial and trial proceedings, and (3) setting priorities in the selection of cases. As my delegation has expressed its views on these matters in detail on various occasions, today I would like to focus on a couple of particular points to advance and enlighten our discussion.

The first point is related to the Independent Expert Review. My delegation would like to express its sincere appreciation to President Kwon and the Vice-Presidents for their work to identify candidates for the most distinguished experts, and hopes that the resolution on the review of the ICC will be adopted by consensus at this session of the ASP. In conducting the review, each cluster of experts is envisaged to consult with States Parties and other stakeholders to obtain inputs. Japan will fully cooperate with the External Review Team by providing its views through the process.

Second, States Parties should review the work and the practice of the Court to promote Geographical Representation and Gender Balance (GRGB). Although the GRGB is critically important for the ICC to be universal and to gain continuous support as well as to revitalize the organization, at present out of 122 States Parties, 22 nationalities are under-represented and 53 nationalities were not represented at all. This issue has been raised for years but no substantial achievements have been obtained. While we acknowledge the effort made by the Registry, we believe additional measures should be taken if States Parties really wish to improve the situation and to make the Court truly universal.

As a concrete measure, Japan proposes that States Parties start discussions on whether to introduce a rotation policy to promote staff mobility in the Court. We also propose that the Court assess, in conducting staff appraisal, whether relevant staff members have made efforts to improve the situation of the GRGB of their division/section and what outcomes they have produced, to ensure that all staff members engaged in recruitment become clearly aware of the importance of the GRGB. Furthermore, we

request that the Court, in particular the Registry, consider taking additional innovative measures in light of the experiences in other international organizations.

Mr. President,

While I have the floor, I would also like to refer to the importance of further heightening the ethics and enforcing good discipline among staff members of the Court. I would like to bring your attention to one recent example in which a staff member of the Court has proliferated his/her critical view on a Court decision on the internet. Japan fully respects the freedom of speech. We welcome candid exchanges of views within the Court. A former staff member may also express his/her views, subject to the confidentiality requirements, after leaving the ICC. However, in our view, this is not what an incumbent staff member should do. If the Court were to leave the situation, this would harm the credibility and integrity of the Court. We trust that appropriate measures be taken to for the sake of good governance of the Court.

Thank you, Mr. President.